

Application Number	2022/1618/FUL
Case Officer	Carlton Langford
Site	Duke Of Cumberland Inn Edford Hill Holcombe Shepton Mallet Somerset
Date Validated	10 August 2022
Applicant/	T Brett
Organisation	Banwell House Pub Co. Ltd
Application Type	Full Application
Proposal	Formation of new overflow car park with associated access and landscaping.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

Referral to Ward Member/Chair and Vice Chair:

This application has been referred to the Chair and Vice Chair of the Planning Committee insofar as the case officer's recommendation to refuse differs from that of the Parish Council's.

Whilst both Parish Council's supported the scheme, this was subject to Highways supporting the application which is not the case. The Highway Authority conclude that the proposal does not demonstrate that safe and suitable access to the site can be achieved for all users of the highway specifically pedestrians.

Description of Site, Proposal and Constraints:

This application relates to a large parcel of agricultural land to the south of Holcombe off Edford Hill. The site is within a Bat Consultation Zone, a High and Low risk historic Coal Mining Area, a Minerals Consultation Area, a Sewage Treatment Buffer Area and a Public Right of Way transverses the site.

The land has an existing field access which is shared with pedestrians using the public right of way.

This application seeks full planning permission for the formation of new overflow car park with associated new access and landscaping to serve the Duke Of Cumberland Inn some 100m to the north of the site.

Relevant History:

2020/0242/FUL - The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations - Approved Nov 2020.

2023/0167/VRC - Removal of conditions 3 (Delivery Hours) and condition 9 (Parking) on consent 2020/0242/FUL (The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations.) - Recommended for refusal -

- 1. The open storage of refuse bins within the car park will introduce an unsightly addition to the car park area having a detrimental impact on the character and appearance of the street scene and wider area contrary to the provision of Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 2. The removal of condition 3 would allow unrestricted delivery times to and from the premises which would have a detrimental impact on the residents of nearby residential properties and other land users by reason of traffic noise and noise disturbance associated with the loading and unloading of vehicles and manoeuvring of vehicles contrary to the provisions of Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 3. The removal of condition 9 would allow the unrestricted use of the car parks and the relocation of bins from the main premises to an area within the north car park closer to neighbouring residential properties to the detriment of their amenity by reason refuse odour nuisance and noise disturbance contrary to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 4. The proposed development would in the LPA's view prejudice the safe use of the existing and approved car parking arrangement as approved under LPA case ref: 2020/0242/FUL would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic, thereby adding to the hazards of highway users at this point. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF), the Somerset Countywide Parking Strategy and Policies DP9 and DP10 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response.

Holcombe Parish Council: Recommends approval. Councillors requested that Somerset Highways should consider pedestrian safety with the current 30mph zone being extended to help address this concern.

Stoke St. Michael Parish Council: Stoke St Michael Parish Council recommends approval subject to Highways supporting this application.

They would also like to see conditions in place to –

- a) Ensure that the proposed planting of hedgerows and trees takes place to compensate for the loss of hedgerow at the roadside
- b) Ensure secure barriers will be in place to prevent any nuisance to nearby properties when Holcombe Farm shop is closed.
- c) Ensure there will be land allocated for village allotments as this was not shown on the plan

Ecology: No objections subject to imposition of standard conditions to protect wildlife.

Natural England: No objections subject to the Authority determining whether the proposal is likely to have a significant effect on any European Site.

Highways Development Officer: Object, unsafe access for vehicles and unsafe for pedestrians.

Rights of Way: No objections subject to obtaining a diversion order.

Coal Authority: No objections

Somerset Minerals: No response

Environmental Protection: No objections

Local Representations: 48 letters of support have been received and 3 letters of objection raising the following concerns –

- Highway safety
- Pedestrian safety

- Existing parking arrangements are currently acceptable save for busy weekend lunchtimes between 12 and 2pm.
- Loss of hedgrows
- Impact on wildlife
- Visual impact
- Lighting impact
- No evidence to support the need for additional parking
- The current car park is restricted because of the applicant's insistence to use it to locate bins and skips contrary to the current planning permissions on the site.
- The number of parking spaces is excessive to the needs of the business.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Holcombe Village Design Statement

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP3 – Supporting Business Development
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP4 – Mendip Landscapes
- DP5 - Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport
- DP10 – Parking

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework

- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The application site is situated within the open countryside where development is strictly controlled but exceptions may be permitted in line with the provisions set out in Core Policy CP4: sustainable rural communities.

Paragraph 4(b) of CP4 (supported by Policy CP3 – Supporting Business Development) allows the establishment or expansion of a business in a manner and of a scale which is appropriate to the location and the constraints upon it.

Having regard for the assessment below, the proposed development will be neither of a manner nor scale appropriate within the chosen location due to the constraints of the site to include visual impact and highway/pedestrian safety.

Whilst it is recognised that the development might provide some benefits to the local community these are outweighed by the harms as described below and the development is therefore considered to be unacceptable in principle contrary to the provisions of Policies CP1, CP3 and CP4 of the Local Plan.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The site is located around a 100m south of the applicant's business, the Duke of Cumberland Inn and is a large agricultural field laid to pasture. The field has established hedgerow along the road boundary with field access. The boarder to the north comprises a post and rail fence, to the south is a combination of fencing and hedgerow and to the west woodland. The site is clearly visible from numerous vantage points, not only from passersby using the highway and public right of way but also for further away especially when viewed from the rising landscape to the north.

Much of the field will be taken up by the proposal with the proposed carpark area with 29 spaces and turning located at the north end of the site and will be lit. A new vehicle access will be located towards the south of the site with a long drive to accessing the carpark area. The proposed new access will require the relocation of extensive lengths of the existing hedgerow in order to provide the visibility splays to achieve the necessary highway safety. Further hedgerow planting will enclose the carpark along with tree planting along

the north boundary. The existing field access will be gated and used as a pedestrian access only which is also currently used by the Public Right of Way.

The combination of the aforementioned changes will significantly alter the character of this open landscape. Whilst not a designated landscape area outside these areas, Policy DP1 of the Local Plan requires that all development should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, Policy DP4 of the LP requires that all development clearly demonstrates that their siting and design are compatible with the pattern of natural and man-made features of the area. Policy DP7 requires that development is of a scale, mass, form and layout appropriate to the local context.

The cumulative impact of the proposed development will have a significant harmful impact on the character and appearance of the landscape and attempts to shield the carpark from the surrounding area though planting, will not only not work when viewed from a distance but will completely alter the character and appearance of the surrounding landscape. The carpark will also be lit further impacting on the character of the area. As such, the proposed development fails to contribute positively to the maintenance or enhancement of local identity and distinctiveness nor be compatible the pattern of natural or man-made features of the area, nor be of a scale, form and layout appropriate to the local context.

Whilst it is appreciated that some additional parking would be convenient for the business as some patrons do currently do park on the highway when visiting the establishment, given the level of harm identified the scale of the proposals is not considered justified and/or proportionate to the needs of the business that it would serve.

Whilst it is recognised that the available car parking adjacent to the pub is sometimes not sufficient to accommodate all the parking requirements of customersI and thereby forcing cars to park on the highway, there is no evidence to suggest that patrons won't continue to park on the highway closer to the establishment bearing in mind the distance between the proposed carpark and the premises. Also, the potentially hazardous walk between the carpark and the premises which is discussed further below.

To this end, any benefits associated with the development are at best very modest and are significantly outweighed by the harms as described.

The proposal fails to accord with Policies DP1, DP4 or DP7 of the Local Plan.

Impact on Residential Amenity:

Whilst the visual amenity of the area will be harmed by the location of the development, there are no immediate neighbours or other land uses which might be adversely impacted

by the proposal especially that it's very unlikely that the carpark will be used other than on weekends.

The proposal is unlikely to have a significant impact on neighbouring land uses and accords with Policy DP7 of the LP.

Impact on Ecology:

Suitable wildlife mitigation will be provided along with biodiversity enhancements which will establish themselves eventually. Subject to the imposition of the conditions requested by the Ecologist, no harm should come to protected wildlife or wildlife habitats and the scheme accords with Policies DP5 and DP6 of the LP.

Assessment of Highway Issues:

The Holcombe Village Design Statement concludes - "Given that all the roads into Holcombe are unclassified, there is a surprisingly large amount of traffic through the village, as revealed by a traffic survey carried out in 2002. This consists of agricultural vehicles, quarry and cement lorries, delivery vehicles, school and public buses and private cars, many of which travel at speeds exceeding the 30mph limit. There is general concern in the village about any increase in volume and/or speed of this traffic. In some places there is a potentially lethal combination of traffic going too fast and no pavements."

Issues of highway and pedestrian safety were raised by the Highway Authority officer and the applicant has amended the scheme in an attempt to address these concerns.

Road record indicates that the potential encroachment of non-highway land equates to 860mm. It is acknowledged that the difference between the required splay and the achievable splay is relatively marginal and, in this instance, this would be considered acceptable.

Regarding the issue with the proposed pedestrian access, the applicant has stated that customers already park on the highway and walk to the premises due to the existing car park being oversubscribed and the proposal would alleviate this. Whilst it is acknowledged that there may be some existing pedestrian traffic on the highway, the proposal will encourage a significant intensification of this along an unlit highway with no pedestrian provision. It is also considered unlikely to discourage patrons to continue to park on the highway close to the premises.

Based on the information provided it is still considered the proposal does not demonstrate that safe and suitable access to the site can be achieved for all users of the highway in accordance with paragraph 110 of the NPPF. Therefore, the Highway Authority recommendation refusal of The application.

Policy DP9 – Transport impact of new development amongst other things, requires that new development avoid causing traffic or environmental problems within the wider transport network or generate any requirements for transport improvements which would harm the character of the locality.

In this regard the proposal will not only force patrons to navigate almost a 100m of unlit road with no footpath but require the removal of over 90m of established hedgerow. Therefore, creating traffic problems and harming the character of the locality contrary to Policy DP9 of the LP.

Policy DP10 – Parking of the LP, requires that vehicle parking proposed need to be appropriate to the operational needs of the development with the objective of reducing growth in the use of private vehicles and promoting alternative means of travel.

In this regard, planning permission for the premises has already been approved and it was considered that the level of parking approved met with both national and local plan policy.

Overall it is considered that the proposal therefore fails to accord with the sustainable aims of Policy DP10 of the LP.

Refuse Collection:

N/A

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

Having regard for the above, the application is recommended for refusal as the cumulative impact of the proposal along with its location remote from the business which it seeks to serve, will have a significant impact on the character of the area and fails to demonstrate that safe and suitable access to the site can be achieved for all users of the highway. The development fails to accord with Policies CP1, CP4, DP1, DP4, DP7, DP9 or DP10 of the Local Plan, with any benefits brought by the proposal being outweighed by the harm as described.

Recommendation

Refusal

1. The cumulative impact of all elements of the proposed development to include landscaping, access works and lighting will significantly alter the character and appearance of the open rural landscape in this location. Whilst the proposal will benefit the existing business, its scale is disproportionate to the operational needs of the business and therefore not of a scale appropriate to the location contrary to the provisions of Core Policies CP1 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). The benefits of the proposal are significantly outweighed by the harms as identified which fail to contribute positively to the maintenance or enhancement of local identity and distinctiveness, be compatible with natural or man-made features of the area being of a scale, form and layout inappropriate to the local context contrary to the provision of Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
2. The location of the proposed carpark isolated from the village and the premises it is intended to serve, will encourage a significant intensification of pedestrian use along an unlit highway with no pedestrian provision (footpath). The proposal fails to demonstrate that safe and suitable access to and from the site can be achieved for

all users of the highway in accordance with paragraph 110 of the NPPF and fails to accord with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

3. The scale of parking proposed (spaces) is demonstrably disproportionate to the operational needs of the premises and would encourage the growth in the use of private vehicles and fail to promote alternative means of travel as is required by Policy DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings -
PL4705/1, 2, 3B and 4B.
SK-01, 02 and 03.

